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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
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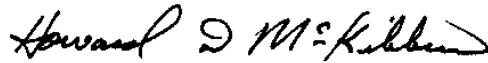
13 THOMAS E. GIRON,) 3:09-cv-00126-HDM-RAM
14 Plaintiff,)
15 vs.) ORDER
16 RICHARD GARCIA, et al.,)
17 Defendants.)
18 _____)

19 The court has considered the report and recommendation of the
20 United States Magistrate Judge (#21) filed on June 2, 2010, in
21 which the magistrate judge recommends that this court enter an
22 order denying plaintiff's motion for summary judgment (#13) and
23 denying defendants' motion to dismiss (#9). No objections to the
24 report and recommendation have been filed, and the time for filing
25 any objections has expired.

26 The court has considered the pleadings and memoranda of the
27 parties and other relevant matters of record and has made a review
28 and determination in accordance with the requirements of 28 U.S.C.

1 § 636 and applicable case law, and good cause appearing, the court
2 hereby ADOPTS AND ACCEPTS the report and recommendation of the
3 United States Magistrate Judge (#21). Accordingly, the plaintiff's
4 motion for summary judgment (#13) is denied, and the defendants'
5 motion to dismiss (#9) is denied.

6 DATED: This 19th day of July, 2010.

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9 UNITED STATES DISTRICT JUDGE
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